

Remarks

Claim Status

Prior to the entry of this amendment, claims 1-20 were pending, claims 1-14 were in their original form, and claims 15-20 were withdrawn. With the entry of this amendment, claims 1-14 are canceled, claims 15-20 are withdrawn, and claims 21-39 are newly added.

Double Patenting

The Office provisionally rejected claims 1-14 on the ground of nonstatutory obviousness-type double patenting as unpatentable over copending Application Nos. 11/153,728, 11/119,273, and 11/219,273. Applicant notes that Application No. 11/219,273 is not related to the present application and requests clarification. To facilitate prosecution, Applicant requests that the Office hold all provisional double patenting rejections in abeyance, pending claim allowance.

Rejection of Claim 6, Under 35 U.S.C. § 112, Second Paragraph

The Office rejected Claim 6, as allegedly indefinite. Cancellation of claim 6 renders the rejection moot.

Rejection of Claims 1-14, Under 35 U.S.C. § 102(a,e)

The Office rejected Claims 1-14, as allegedly anticipated by US 2003/0114389. Without acquiescing in the rejection, Applicant cancels claims 1-14 and presents new claims 21-39.

Claims 21 and 22 are based on original claim 1 and recite a dosage form that is a tablet, e.g., a film-coated tablet, as disclosed on page 4, 6th full paragraph, of the specification (WO 2005/089729). New claim 21 also recites that the dosage form is not obtainable by aqueous wet granulation, as disclosed on page 11, first paragraph. This distinguishes the newly presented claims from US 2003/0114389, which discloses only an aqueous wet granulation process using purified water (paragraph 80).

Claim 23 recites specific oral dosage tablet forms, and finds support on page 9, 1st and 2nd full paragraphs.

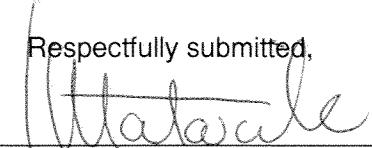
Claims 24 and 25 recite an organic wet granulation process, and find support, e.g., on pages 11-12 of the description.

Claims 26-39 correspond to original claims 2-14.

Cancellation of claims 1-14 renders their rejection moot. Applicant submits that this Amendment places claims 21-39 in condition for allowance and requests rejoinder of the withdrawn claims.

Applicant respectfully requests that this Amendment be entered by the Office and asserts that the proposed claims do not raise new issues or necessitate the undertaking of any additional search by the Office, since all the elements and their relationships were either claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Office. If there are any fees due in connection with the filing of this Amendment, please charge the fees to our Deposit Account.

Respectfully submitted,


Lisa Matovcik
Attorney for Applicant
Reg. No. 53,283

Novartis Pharmaceuticals Corporation
One Health Plaza, Bldg. 101
East Hanover, NJ 07936
(862) 778-5442

Date: June 10, 2009